

REMARKS / ARGUMENTS

In its Notice of Non-Compliant Amendment of 07/28/2009, the Office stated that the Applicants' response of 04/27/2009 was non-compliant because it did not contain a complete listing of all claims as required by 37 C.F.R. § 1.21.

The Applicants' understanding was that no listing was required because no claim amendments were made in their response of 04/27/2009.

"Each amendment document that includes a change to an existing claim, cancellation of an existing claim or addition of a new claim, must include a complete listing of all claims ever presented, including the text of all pending and withdrawn claims, in the application." 37 C.F.R. § 1.21(c). Because the amendment document of 04/27/2009 did not include any changes to existing claims, cancellation of existing claims, or addition of new claims, the Applicants did not include a listing of the claims. If the Applicants' understanding was incorrect, please be assured the omission of the claim listing was unintentional.

In accordance with the instructions in the Notice, the corrected section alone is submitted herewith. For the foregoing reasons, the Applicants respectfully request reconsideration of their application.

Respectfully submitted,

/Phillip E. Decker/

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Tel. No. 603-766-1910
Fax No. 603-766-1901

Phillip E. Decker, Reg. No. 39,163
Attorney for Applicants
1 New Hampshire Ave., Suite 125
Portsmouth, NH 03801